

THE CASE

OF
THOMAS CHRISTY of Bedford, Esquire.

THE Precept for the Choice of two Burgesses for *Bedford*, was made by the Sheriff, and delivered to the Mayor the 18th day of *February*, who kept the same in his hands above 14 days, viz. until the 5th of *March* before he would Execute it, although Mr. *Christie* sent daily to him to know what day he would appoint, that his Friends might not be surprized, and all the Answer he would give, was that he should have Legal Notice by Proclaiming the same, which was not till *Monday* Evening, and the Election on *Wednesday* after.

And altho' the Mayor took so much time, yet he chose to appoint the Election upon *AshWednesday*, a Solemn Fast-day, knowing it would please the *Anabaptists* and other Dissenters, who are numerous in that Town, (and were all of them, and also the Regulators for Sir *William Francklyn*) but would be an offence to the Church-Men, for that the Ministers of the five Parishes there, could none of them performe their Duties in the Churches on that day, the whole Town Attending the Election.

Whether that delay was made at the instance of Sir *William Francklyn*, who lodged at the Mayors House all the while and spent profusely, or that the Mayor being a common Brewer, and serving a great part of the Inns and Alehouses of the Town, for his private Lucre, may be a question. But it is certain, that the Mayor was wholly directed by him in all things touching the Election, both before, at, and after the same, and would not appoint a time, until Mr. *Christy* (being loaded with Libels and Slanders, and other illegal Practices) they thought themselves secure of the greatest number of Voters.

Note,

That all Precepts are directed to the Mayor and Bayliffs, but the Mayor would not shew the Precept to Mr. *Robert Thomas* the Eldest Bayliff, who had equal Power with the Mayor, nor acquaint him with the day of Election or any other of his Proceedings.

Upon *Ash-Wednesday* (the day of Election) the four Candidates, were Sir *Anthony Chester*, Barronet, Sir *William Francklyn*, Knight, *Thomas Hillersdon* and *Thomas Christie*, Esquires: Sir *William Francklyn*, and Mr. *Hillersdon*, having joyned their Interest from the beginning: And five Persons were appointed by the Mayor (by consent of the Candidates) to take the Polls, viz. one for each Candidate, and another for himself, who Poled all that day, and on the next day till Noon, and then no more Persons coming to Vote on any side, after three Proclamations the Poll was closed, and the Mayor adjourned the finishing the Election, unto the *Swan-Inn* (the Treating-House of Sir *William Francklyn*) at three of the Clock in the Afternoon, at which time, *John Backwel*, Esquire, a Member of Parliament, was nominated to be a Teller for Sir *Anthony Chester*, *John Hervey*, Esquire, for Mr. *Christie*, and then Sir *William Francklyn*, and Mr. *Hillersdon*, being desired to name their Tellers, they refused to nominate any. The Eldest Bayliff desired they might proceed to finish the Election: but the Mayor and the other Bayliff by direction of Sir *William Francklyn*, adjourned the Telling and Examining the Poll untill *Friday* the morrow seavenight after, to the same place, refusing to give any reason, though the said Mr. *Backwell* and Mr. *Hervey* declared they should be out of the Country at that time.

At which *Friday*, Mr. *Christie*, demanded that the Polls might be opened, Examined and Compared one with another.

That the number of Votes for each Candidate might be Counted, and that they who had the Majority should be proclaimed.

That each Candidate should have one of the five Polls that were taken, or Coppies thereof.

All which, were desired by the Eldest Bayliff also, but denyed by the Mayor at the instigation of Sir *William Francklyn*, who told the Mayor that he was the sole Judge of the matter, and might if he pleased count the Polls in private, and declare who were to be returned, whereupon the Mayor adjourned again until the next day to the same place, at which time Mr. *Christie* repeated his former demands, and the Mayor unsealed the Polls, giving out two of the Originals to the Persons who took them, but refused to compare them or count the numbers, or Proclaim those who had the Majority, but kept the other three Polls himself Unsealed, and Adjourned until the *Tuesday* after, at three of the Clock in the Afternoon, being but one whole day before the sitting of the Parliament; pretending that it would make a Scrutiny for unqualified Voices, but was told, that he assumed the business and Authority of the Committee of Elections, and that it was not in his Power to expunge whom he pleased, and was asked what the qualifications were, and what did disable any to Vote, which he refused to declare, and was told by Mr. *Christy*, that then it was impossible to be prepared, to prove the Legality of the Electors Voices, and although the Electors with much importunity, pressed the Mayor to Proclaim those who were chosen, yet he refused and Adjourned to *Tuesday* as aforesaid, when he knew that Mr. *Christy* would be out of Town, and on the Rode for *London*, to attend the Publick Service; and in his absence, the Mayor and one of the Bayliffs have returned Sir *William Francklyn* and Mr. *Hillersdon*, altho' it appeared upon counting of the Polls, that Sir *William Francklyn* had 249 Voices, Mr. *Hillersdon* 284, and Mr. *Christie* 291 Voices, so as Mr. *Christie* had the Majority of all the Candidates, and 42 Voices more than Sir *William Francklyn*.

Note,

That on *Monday* morning, the Mayor sent for such Persons as he pleased to his own House, (who all had Voted for Sir *William Francklyn*) and in their Presence, without giving notice to Mr. *Christie*, had expunged out of the Poll, a great number of Mr. *Christies* Voices, and refused to give unto the said Eldest Bayliff, who demanded the same, (and who was also to make a Return) the names of the Persons which he had so put out of Mr. *Christies* Voters, or the Reasons why he did so: Whereupon the Eldest Bayliff (finding that Mr. *Christy* had the Majority of Voices by above forty, Proclaimed Mr. *Hillersdon* and Mr. *Christie*, and Sealed an Indenture accordingly, which the Sheriff hath also returned with the other.

Note also,

That on the Evening before the Election, the Mayor, Sir *William Francklyn* and 200 others (summoned or invited thither by them) met Tumultuously and Riotously in the Town-Hall, where one Mr. *Easton* a Draper, read publickly in the Hall before all the Multitude, a Libellous Paper against Mr. *Christie*.

So the Irregularities and Partiality of the Mayor appears in these particulars.

1. He did not shew the Precept to the Eldest Bayliff.
2. Nor acquaint him of the day of Election.
3. But kept the Precept from the 18th of *February*, to the 5th of *March*, and delayed the Execution; being a common Brewer.
4. And gave but one whole days notice of the Election.
5. And then chose to execute it upon *Ash-Wednesday*.
6. And refused to tell the Poll and declare the Numbers.
7. But Adjourned from the 6th to the 15th, then to the 16th, then to the 18th of *March*.
8. All these Adjournments against the consent and protestation of the Eldest Bayliff.
9. And were made to Sir *William Francklyn's* Inn, and not to the Town-Hall.
10. Kept the Poll Unsealed three days in his own hands.
11. Expunged whom he pleased.
12. Made himself Judge of the Qualifications.
13. Refused the Eldest Bayliff, a Note of the Names and Disabilities of the Persons expunged.
14. And summoned a Tumultuous and Riotous Assembly to the Town-Hall, where were read defamatory Libels against Mr. *Christie*.

So if Mayors may Return whom they please, whether duly Elected or no, and not be punished for such Misdemeanours, then they and not the Electors choose Parliament-Men.

But now, the Mayor to colour what he hath done so unjustly, with some pretence gives out, that none have Voices, but such as pay to the Church and Poor, whereas the Usage or Custom hath been time out of Mind, that all House-Holders have Voices who do not receive Collection, and so it will be proved for eight or ten Parliaments successively, and such is the Custome in many other places of the Kingdome, and here now they were all admitted to be Polled on both sides.

To be heard on *Friday* the 4th of *April*.